To amend title 23, United States Code, with respect to funding the recreational trails program, to require a study to determine the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 6, 2020

Mr. Welch (for himself, Ms. Craig, Mr. Curtis, Mr. Simpson, Ms. Kuster of New Hampshire, and Mr. Stewart) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 23, United States Code, with respect to funding the recreational trails program, to require a study to determine the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “RTP Full Funding Act of 2020”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the recreational trails program under section 206 of title 23, United States Code—

(A) helps develop and maintain valuable trail infrastructure across the United States;

(B) benefits millions of diverse trail users, including users who participate in hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, 4-wheel driving, and other off-road motorized vehicle use; and

(C)(i) embraces the user-pay-user-benefit model of the Highway Trust Fund; and

(ii) is funded by a Federal tax on fuel used for nonhighway recreation;

(2) to ensure that Federal taxes collected from nonhighway recreation are appropriately returned to the States for the recreational trails program, an accurate estimate of the total amount of nonhighway fuel taxes collected is necessary; and

(3) an accurate study to produce a best available estimate of the total amount of nonhighway rec-
reational fuel taxes received by the Secretary of the Treasury will help inform Congress in continuing to authorize the recreational trails program.

**SEC. 3. DEFINITIONS.**

In this Act:

1. **Administrator.**—The term “Administrator” means the Administrator of the Federal Highway Administration.


3. **Nonhighway Recreational Fuel Taxes.**—The term “nonhighway recreational fuel taxes” means taxes under section 4041 and 4081 of the Internal Revenue Code of 1986 with respect to fuel used in vehicles on recreational trails or back country terrain (including vehicles registered for highway use when used on recreational trails, trail access roads not eligible for funding under title 23, United States Code, or back country terrain).

4. **Recreational Trails Program.**—The term “recreational trails program” means the recreational trails program under section 206 of title 23, United States Code.
(5) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

**SEC. 4. NONHIGHWAY RECREATIONAL FUEL STUDY.**

(a) **ASSESSMENT; REPORT.**—

(1) **ASSESSMENT.**—Not later than 1 year after the date of enactment of this Act and not less frequently than once every 5 years thereafter, as determined by the Secretary, the Secretary shall carry out an assessment of the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury and transferred to the Highway Trust Fund for the period covered by the assessment.

(2) **REPORT.**—After carrying out each assessment under paragraph (1), the Secretary shall submit to the Committees on Finance and Environment and Public Works of the Senate and the Committees on Ways and Means and Transportation and Infrastructure of the House of Representatives a report that includes—

(A) a description of the results of the assessment;

(B) an evaluation of whether the current recreational trails program funding level of each participating State accurately reflects the ap-
portionment criteria described in section 133(h)(5) of title 23, United States Code; and

(C) in the case of the first report submitted under this paragraph, an estimate of the frequency with which the Secretary anticipates carrying out the assessment under paragraph (1), subject to the condition that such an assessment shall be carried out not less frequently than once every 5 years.

(b) CONSULTATION.—In carrying out an assessment under subsection (a)(1), the Secretary may consult with, as the Secretary determines to be appropriate—

(1) the heads of—

(A) State agencies designated by Governors pursuant to section 206(c)(1) of title 23, United States Code, to administer the recreational trails program; and

(B) division offices of the Department of Transportation;

(2) the Secretary of the Treasury;

(3) the Administrator; and

(4) groups representing recreational activities and interests, including hiking, biking and mountain biking, horseback riding, water trails, snowshoeing, cross-country skiing, snowmobiling, off-highway mo-
torcycling, all-terrain vehicles, recreational off-high-
way vehicles, and other offroad motorized vehicle ac-
tivities, and recreational trail advocates.

(c) FUNDING.—

(1) IN GENERAL.—For the first fiscal year be-
ginning after the date of enactment of this Act, the
Secretary shall set aside from funds available to the
Secretary to carry out the recreational trails pro-
gram and not otherwise obligated an amount not
greater than $3,000,000 to conduct the assessment
under subsection (a)(1).

(2) RESERVATION.—The amount set aside
under this subsection shall be proportionately re-
served from the apportionment to each State partici-
pating in the recreational trails program during that
fiscal year, after making any reallocation to partici-
pating States, as described in section 133(h)(1)(B)
of title 23, United States Code.

SEC. 5. REPORTING.

(a) ESTABLISHMENT OF NEW FINANCIAL MANAGE-
MENT INFORMATION SYSTEM CODES.—The Adminis-
trator shall establish financial management information
system codes for each of the following:

(1) Nonmotorized single use project.

(2) Nonmotorized diverse use project.
(3) Diverse use project including both motorized and nonmotorized uses.

(4) Motorized single use project.

(5) Motorized diverse use project.

(b) STATE REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not less frequently than annually, each State that carries out projects under the recreational trails program shall submit to the Administrator a report describing the expenditures relating to those projects, as listed—

(A) based on each code described in subsection (a); and

(B) relating to projects for the State on Federal land.

(2) EXEMPTION.—Paragraph (1) shall not apply to a State that is described in section 206(d)(3)(B) of title 23, United States Code.

(c) ASSESSMENT.—Not less frequently than annually, the Administrator shall—

(1) carry out an assessment of State expenditures on recreational trails projects under subsection (b); and

(2) submit to Congress a report that describes the results of the assessment.
SEC. 6. STP SET-ASIDE.

(a) Reservation of Funds.—Section 133(h)(1) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking “subparagraph (A)” and inserting “clause (i)”;

(B) in clause (i), by striking “section 133(d)(2)” and inserting “subsection (d)(2)”;

and

(C) in clause (ii), by striking the period at the end and inserting “; and”;

(2) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting the subclauses appropriately;

(3) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(4) in the matter preceding clause (i) (as so redesignated), by striking “shall reserve an amount such that—” and inserting the following: “shall reserve—

“(A) an amount such that—”; and

(5) by adding at the end the following:
“(B) for administrative, research, technical assistance, and training expenses (including the costs of entering into cooperative agreements with other Federal departments or agencies, institutions of higher education, or nonprofit organizations to carry out such an activity) for the recreational trails program under section 206, an amount of up to 1 percent of the amount apportioned to carry out that program, but not to exceed $1,500,000, which reservation shall be made before making any apportionment under paragraph (5) to a State.”.

(b) Amount Required To Be Obligated For Recreational Trails.—Section 133(h)(5) of title 23, United States Code, is amended—

(1) by striking “For each fiscal year” and inserting the following:

“(A) In general.—For each fiscal year”;

(2) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(3) by amending clause (iii), as so redesignated, to read as follows:

“(iii) obligate an amount of funds reserved under this section equal to the
amount calculated under subparagraph (B);”; and

(4) by adding at the end the following:

“(B) **CALCULATION OF STATE SHARE OF RECREATIONAL TRAIL PROGRAM FUNDS.**—For each State, the required amount of funds to be obligated by such State under subparagraph (A)(iii) shall be calculated by adding—

“(i) covered funds divided by the number of States reserving amounts under this subsection; and

“(ii) covered funds proportioned to such State to the degree that—

“(I) non-highway recreational fuel use in such State during the preceding year; bears to

“(II) non-highway recreational fuel use in all States, as reflected in the most recent nonhighway recreational fuel study required of the Secretary under the RTP Full Funding Act of 2020.

“(C) **COVERED FUNDS DEFINED.**—In this paragraph, the term ‘covered funds’ means—
“(i) until the date on which the first report is submitted under section 4 of the RTP Full Funding Act of 2020, $125,000,000; and

“(ii) after the date on which the first report is submitted under section 4 of the RTP Full Funding Act of 2020, 50 percent of the best available estimate of the total annual amount of nonhighway recreational fuel taxes transferred to the Highway Trust Fund.”.